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LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER
REVAK, CHRISTOPHER A

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/801,332
Filing Date: March 15, 2004
Appellant(s): BALAZ ET AL.

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Technology Center 2100

Allan T. Sponseller
Reg. No. 38,318
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 8, 2007 appealing from the Office

action mailed April 5, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| 6,044,471 | COLVIN | 03-2000 |
| 6,606,744 | MIKURAK | 08-2003 |

6,931,016   ANDERSSON et al   08-2005

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Colvin, U.S. Patent 6,044,471 in view of Mikurak, U.S. Patent 6,606,744.

As per claims 1,10, and 19, it is disclosed by Colvin of a method, apparatus

(system), and computer readable media containing a plurality of instructions executed

by a computer (comprising a processor)(col. 1, lines 62-64 and col. 11, lines 44-46). A

request is received, from an end-user (requestor), for a password to be used by an end-

user located on a computer (device) when communicating with administrator

(registration authority)(col. 4, lines 35-39,61-66). The end-user (requestor) is

authenticated by an administrator that checks the registration information associated

with the computer (device)(col. 4, lines 39-41,61-66 and col. 5, lines 6-9). The

password is generated, storing (by adding) it at a source (password table), and the

password is sent to the end-user (requestor) for use by the device (col. 3, line 67

through col. 4, line 2, col. 4, lines 40-42, and col. 6, lines 65-67). The teachings of

Colvin disclose of an administrator (registration authority), but are silent in disclosing that the registration authority operates as a protocol gateway between the device and a certificate authority. It is disclosed by Mikurak of a registration authority that acts as a protocol gateway that is coupled to receive messages from a certificate authority (col. 67, lines 15-19,21-25, col. 269, lines 58-65, and as shown in Figure 120). It is obvious to a person of ordinary skill in the art that it would have been obvious to implement the usage of a registration authority to act as a protocol gateway between a device and a certificate authority. Mikurak recites motivation for the use of a registration authority acting as a protocol gateway by disclosing without the use of gateways to convert the protocols, the transmitted information would be incomprehensible upon arrival and gateways allow incompatible networks to communicate with one another (col. 67, lines 15-25). It is obvious that the teachings of Colvin would have found this feature beneficial in order to convert messages of one protocol to that of another protocol by means of a registration authority acting as a protocol gateway, as suggested by Mikurak, so that a password can be obtained regardless of multiple systems operating on different protocols.

As per claims 2,11, and 20, the teachings of Colvin are shown being embodied on a network that is connected across the Internet (as shown in Figure 1 and col. 8, lines 1-3). The teachings of Colvin are silent in reciting that a router is used. The examiner hereby takes official notice that the use of routers are notoriously well known. It would have been obvious to a person of ordinary skill in the art at the time of the invention to be motivated to apply means expediting message delivery. The motivation

for using routers are that they received transmitted messages and forward them to their

destination over the most efficient route since there are many possible routes that the

data can be sent. It is obvious that the teachings of Colvin use routers since it is

connected across the Internet and so that the most efficient routes can be used to

transfer information between a user's computer and an administrator.

As per claims 3 and 12, it is taught by Colvin that the password is generated as a

random number (col. 3, line 67 through col. 4).

As per claims 4 and 13, Colvin teaches of the use of encrypting (SSL is a form of

encryption) communications (receiving, authenticating, and returning) between a user

that is located at a device and the administrator to ensure that the communications are

less susceptible to tampering (col. 3, lines 3-5 and col. 4, lines 35-39).

As per claims 5 and 14, Colvin discloses that the password is kept active for a

selective amount of time (col. 4, lines 24-27,36-39).

As per claims 7 and 16, it is disclosed by Colvin that the password is kept active

for a selected amount of time and then the password is removed from storage

(password table) after the selected amount of time (col. 4, lines 24-27,36-39 and col. 7,

lines 32-38).

As per claims 8 and 17, Colvin teaches of receiving a request from an end-user

located at a computer (device) that includes a request for a password, checking whether

the password request is include in the storage location (password table) and processing

the request if the request password is include in the password table. If the provided

information doesn't match with the information that is used, the request is rejected (col.

4, lines 39-41,61-66, col. 5, lines 6-9, and col. 6, lines 65-67).

As per claims 9 and 18, Colvin discloses that the request password is removed

from storage (password table) once a new password is issued (col. 9, lines 17-21 and

col. 6, lines 65-67).

As per claim 15, it is recited in the teachings of Colvin that the password is kept

active for a selected amount of and is then invalid after that selected amount of time

(col. 4, lines 24-27,36-39).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colvin,

U.S. Patent 6,044,471 in view of Mikurak, U.S. Patent 6,606,744 in further view of

Andersson et al, U.S. Patent 6,931,016.

The combined teachings of Colvin and Mikurak fail to disclose of receiving a

password as part of a subsequent request from the device and comparing the received

password to the password in the password table to verify that the subsequent request

actually came from the device. It is taught by Andersson et al of receiving a password

as part of a subsequent request from the device and comparing the received password

to the password in the password table to verify that the subsequent request actually

came from the device (col. 3, line 67 through col. 4, line 6 and col. 4, lines 18-27). It

would have been obvious to one of ordinary skill in the art at the time of the invention to

have been motivated to apply authentication checks to routers to ensure that they are

the correct devices when communicating. The teachings of Andersson et al recite of

motivation for authenticating the routers by disclosing that by authenticating the router

through use of passwords, only authenticated routers are allowed to participate in the

VPN (col. 4, lines 18-27 & 33-40). It is obvious to one of ordinary skill in the art that the

combined teachings of Colvin and Mikurak would have been made more secure by

authenticating a router participating in communications so that it can be properly

authenticated prior to connecting to the network as is taught by Andersson et al.

(10) Response to Argument

As per claims 1-5 and 7-20:

It is argued by the Appellant on page 8 of the brief that "Mikurak discusses

Internet gateways and also discusses a Certificate Authority and a Registration

Authority, there is no mention or discussion of a *Registration Authority operating as a*

protocol gateway between a device and a Certificate Authority"

The examiner respectfully disagrees with the Appellant's argument. Independent

claims 1,10, and 19 recite "receiving a request, from a requestor, for a password to be

used by a device <u>when</u> communicating with the registration authority operating as a

protocol gateway between the device and a certificate authority". The fact that the

communications with the registration authority acting as a protocol gateway is

conditional since "when" is claimed. The functionality of the registration authority acting

as a protocol gateway is not required and is conditional, and thereby, the aspect of the

registration authority is not important since it the claim language of the registration

authority acting as a protocol gateway may not be required for use according to the

claim language. If the requirement of protocol conversion is required for usage, it is

inherent that a gateway has to convert protocols since gateways are defined as are

responsible for converting protocols between two different networks and gateways

allows for communications between two incompatible networks connected through the

Internet to communicate with one another by converting the protocols into a form that is

compatible with the other network, see Mikurak, column 67, lines 15-25. The examiner

notes that the claim language of a "registration authority" doesn't have any structure

claimed which limits is functionality, but rather is merely an arbitrary device and the

examiner is interpreting the connection using the registration authority and a gateway

equivalent to the Appellant's claim language of a "registration authority acting as a

protocol gateway" with which the examiner has provided a prima facie case of showing

all the claimed elements, please refer to Mikurak, column 67, lines 15-25 and column

269, lines 58-65. It is shown in Figure 120 of Mikurak of device 12000 connected to

Certificate Authority (CA) 12008 connected through ISPs to the Internet whereby the

connection between the CA 12008 and device 12000 are connected through the

Registration Authority (RA) workstation. The gateway operates on the Internet of

Mikurak and is it interpreted by the examiner that the device 12000 and CA 12008 are

operating on two different networks that are connected through the Internet, whereby

the RA is the intermediary and the gateway operating across the Internet provides

protocol conversion for communications between the device and CA, see column 67,

lines 15-25 and as shown in Figure 120.

As per claim 21:

It is argued by the Appellant that the relied upon teachings of Andersson et al fail

to disclose "receiving the password as part of a subsequent request from the device;

and comparing the received password to the password in the password table to verify

that the subsequent request actually came from the device". The Appellant further

argues that Andersson et al only discloses that the password are for the entire VPN, not

for a single router in the VPN and the passwords are used to verify that a router is

permitted to join a VPN and nowhere is it taught that "passwords can be used to verify

that a particular request came from a particular router".

The examiner respectfully disagrees with the Appellant's arguments. Andersson

et al discloses of devices, or routers, that are members of selected VPNs and require

authentication data for authenticating the devices, or routers, attempting to access the

VPN with the use of passwords, see column 3, line 67 through column 4, line 6. The

request includes an IP address is associated with the device as well as VPN identifier,

and security data and it is determined if the router is permitted to join the VPN. The

security data, or password, is compared with a database, or password table, to

determine if access is permitted for the router to join the VPN, see column 4, lines 18-

26. In that the router comprises an IP address, which is known to be a unique value,

the password is associated with the router and hence, is used to verify that the

subsequent request actually came from the particular device, or router. The router

provides an IP address and a password in order to prove that is belongs to the VPN and

the verification of the password authorizes participation in the VPN of Andersson et al

which meets the Appellant's claim limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Christopher Revak

Primary Examiner AU 2131

CHRISTOPHER REVAK
PRIMARY EXAMINER

Conferees:

Matthew Smithers

Primary Examiner AU 2137

Gilberto Barron Jr.

Supervisory Primary Examiner AU 2132